

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

OTTO TIMES INTERNATIONAL, LTD., a
foreign corporation,

Plaintiff,

v.

DGL GROUP, LTD., a New Jersey
corporation; and ALL-WAYS
FORWARDING INTERNATIONAL, INC.,
a New Jersey corporation,

Defendants.

Case No. 2:24-cv-00824-BRM-JBC

**STIPULATED ORDER OF
DISMISSAL WITHOUT
PREJUDICE**

Fed. R. Civ. P. 41(a)(1)(A)(ii)

COME NOW all parties hereto, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and their agreements, and hereby stipulate and agree as follows:

- 1) This matter should be dismissed in its entirety, including all claims and crossclaims, without prejudice and without award of costs or attorneys' fees.
- 2) Plaintiff's claims against defendant DGL Group, Ltd. ("DGL") are dismissed without prejudice in accordance with the terms of the settlement agreement between plaintiff and DGL.
- 3) Plaintiff's claims against defendant All-Ways Forwarding International, Inc. ("All-Ways") are dismissed without prejudice, provided that in the event of a default by DGL of the terms of its settlement agreement with plaintiff, plaintiff (1) shall provide All-Ways notice; (2) shall first reasonably attempt and fail to collect from DGL before reinstituting suit against All-Ways; and (3) agrees that all of All-Ways' defenses, which All-Ways may have or may have in the future are preserved.

4) All-Ways' cross claims against defendant DGL are dismissed without prejudice and in the event that Plaintiff at any time reinstitutes suit against All-Ways, All-Ways' cross claims against DGL, whether now existing or hereafter arising are preserved.

DATED this 30th day of May, 2024

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SO ORDERED:

Hon. Brian R. Martinotti, U.S.D.J.